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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 49 LGN 75, Bangalore dated 13th August 1975.

Ordered that the **Karnataka (Determination) of the Retirement Age of Certain Teachers, Act, 1975** which received the assent of the Governor on the Twelfth day of August 1975, be published as Karnataka Act No. 35 of 1975 in the *Karnataka Gazette* for general information

KARNATAKA ACT No. 35 OF 1975

(First published in the Karnataka Gazette Extraordinary on the Eighteenth day of August 1975)

THE KARNATAKA (DETERMINATION OF THE RETIREMENT AGE OF CERTAIN TEACHERS) ACT, 1975.

(Received the assent of the Governor on the Twelfth day of August 1975)

An Act to determine the retirement age of certain teachers in the State.

Whereas in pursuance of the policy decision taken to reduce the retirement age of certain categories of Government servants from fifty-eight years to fifty-five years, Notification No. GSR 21 (FD 150 SRS 73), dated 30th January, 1974 was issued concerning the teachers of the erstwhile Mysore State, who immediately before 1st November, 1956 were governed by Note 4 below clause (c) of Article 294 of the Mysore Services Regulations ;

Whereas retirements were effected in accordance with the said Notification;

Whereas in Writ Petition No. 525 of 1974 and connected writ petitions the High Court of Karnataka has held that in view of rule 95 of the Karnataka Civil Services Rules the said Notification did not have the intended effect of reducing the retirement age of such teachers;

Whereas it is necessary to make suitable provisions for the purpose;

Whereas the previous approval of the Central Government under the proviso to sub-section (7) of section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) has been obtained as in letter No. 5/23/73 SR(S) dated the 21st January 1974 of the Government of

India, Department of Personnel and Administrative Reforms (Cabinet Secretariat) ;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka (Determination of the Retirement Age of Certain Teachers) Act, 1975.

(2) It shall be deemed to have come into force on the 30th day of January, 1974.

2. Retirement age.—(1) Notwithstanding anything in any judgment, decree or order of any Court, Tribunal or other authority, on and from the date of commencement of this Act (hereinafter referred to as the appointed day),—

(i) the date of compulsory retirement of every teacher of the erstwhile Mysore State allotted to the State of Karnataka who immediately before the 1st November 1956 was governed by Note 4 below clause (c) of Article 294 of the Mysore Services Regulations and who is in service on the appointed day, shall be the day on which he attains the age of fifty-five years ;

(ii) rule 95 of the Karnataka Civil Services Rules shall apply to every such teacher with the omission in clause (a) of the said rule, the words and figures "subject to the provisions relating to protection of conditions of service prescribed by the Government of India in respect of persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under section 115 of the States Re-organisation Act, 1956" ;

(iii) every such teacher who,—

(a) has continued service after the appointed day, even after he has attained the age of fifty-five years shall retire from service on the date on which he attains the age of fifty-eight years or on 1st March 1974, whichever is earlier ;

(b) attains the age of fifty-five years after the appointed day but on or before 1st March, 1974 shall retire on 1st March, 1974 ;

(c) attains the age of fifty-five years after 1st March, 1974, shall retire at the end of the month in which he attains the age of fifty-five years.

(2) Notwithstanding anything to the contrary contained in the Karnataka Civil Services Rules, the entire earned leave not exceeding one hundred and twenty days to the credit of such teacher on the date of his retirement who retires within a period of six months from the appointed day shall be deemed to have been refused to him in public interest under Rule 110 of the Karnataka Civil Services Rules and he shall be permitted to avail it with effect from the date of his retirement :

Provided that in the case of such teacher who is governed by the rules applicable to him in his parent State the period of such leave, whether earned leave or privilege leave or furlough leave on average pay, shall be as permissible under such rules :

Provided further that nothing in this sub-section shall apply to a teacher who on the appointed day is on leave preparatory to retirement.

3. Savings.—Any teacher referred to in section 2, who by virtue of any order of any court or otherwise has continued in service even after he has attained the age of fifty-five years and was working as such teacher on the date of promulgation of the Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance, 1975 (Karnataka Ordinance No. 2 of 1975) shall be deemed to have retired from service with effect from the afternoon of 31st May 1975 and shall be deemed to have been granted extension of service from the appointed day till 31st May, 1975

4. Validation.—Any action taken in respect of any retirement of a teacher of the category referred to in section 2 after the appointed day but before the date of promulgation of the Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance, 1975 (Karnataka Ordinance No. 2 of 1975) shall be deemed to be valid and shall be deemed to have been taken or effected in accordance with the provisions of this Act as if the said provisions were in force at all relevant times.

5. Repeal of Karnataka Ordinance No. 2 of 1975.—The Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance 1975 (Karnataka Ordinance No. 2 of 1975) is hereby repealed :

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law Parly. Affairs.

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